

MINUTES
Crested Butte Town Council
Regular Meeting
Crested Butte Town Hall
Monday December 5, 2005

Mayor Alan Bernholtz called the meeting to order at 7:02 p.m. Council members present: Margot Levy, Ron Chlipala, Bill Coburn, Leah Williams, Skip Berkshire and Billy Rankin. Staff present: Town Manager Frank Bell, Town Attorney Laura Magner, Town Clerk Eileen Hughes, Town Planner John Hess, Public Works Director Bob Gillie and Finance Director Lois Rozman.

Approval of the minutes of the November 21, 2005 regular council meeting. Bell noted the Town Clerk just returned from vacation and the minutes would not be available until the December 19, 2005 regular council meeting.

Coburn moved and Levy seconded to postpone approval of the minutes of the November 21, 2005 regular council meeting until the December 19, 2005 regular council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

1. **PUBLIC COMMENTS**

Crested Butte resident Sue Navy asked council to send a letter to U.S. Representative John Salazar opposing Representative Richard Pombo's budget reconciliation legislation. Navy explained the legislation would allow the sale of thousands of acres of mining claims for bargain basement prices in Colorado including many claims in Gunnison County. She explained that the Gunnison County Board of Commissions would be sending a letter of opposition and noted a letter from San Miguel County Commissioners opposed to the legislation. Council directed staff to write a letter based on San Miguel County's letter and similar to the letter, which will be sent by Gunnison County. Council directed Mayor Pro-Tem Margot Levy to sign the letter.

2. **COUNCIL COMMENTS**

Bernholtz:

- Requested Council Comments be moved to the end of the agenda. Council agreed to move the item to the end of the agenda for future meetings.
- Reported he's been attending Crested Butte Arts and Recreation (CBAR) subcommittee for arts planning meetings. The committee is making progress and he expects the subcommittee to make a recommendation to council in January 2006.

Levy:

- Reported on the Chamber of Commerce- Their holiday gala will be held on December 8, 2005 and the holiday tree lighting ceremony will be held on December 9, 2005.
- Reported the Tourism Association (TA) included information promoting winter packages and air service to the Gunnison-Crested Butte Airport in

registration bags (goodie bags) of a large marathon race to be held in Dallas, Texas on December 10, 2005. Levy also reported on TA airline promotions.

Berkshire:

- He is unable to attend upcoming Office for Resource Efficiency (ORE) Board meeting on Thursday December 8th and noted that he is unable to attend Thursday ORE Board meetings in the future. Williams volunteered to attend the December 8th meeting. Rankin expressed interest in serving on the ORE board. Council indicated support for Rankin serving on the ORE board and will finalize appointment after the upcoming council retreat.

Coburn:

- Noted the council subcommittee on the Draft Crested Butte Area Plan held a meeting earlier today (Dec. 5) to review the County Comprehensive Plan and the Draft Crested Butte Area Plan and to identify conflicting issues between the two plans. He noted progress is being made.

3. **STAFF REPORTS**

Bell asked Town Planner John Hess to present an update on the proposed Larkspur Subdivision (along Brush Creek Road).

Hess highlighted points stated in his memo to council dated November 30, 2005. Larkspur developer Gary Garland was present. Council discussed several concerns including lighting, fireplaces and density. Garland assured council he would comply with upcoming revisions to the Gunnison County Land Use Resolution (LUR) regarding requirements for full-cut off lighting and limitations on fireplaces. He said he would not allow any open fireplaces in the subdivision. Additionally, Garland said he planned to give a donation to the Gunnison County Housing Authority for seed money for affordable housing projects.

Garland also discussed density and said his subdivision should be considered in the context of “bulk” density rather than simply unit density. He explained that since house size in the subdivision will be smaller than adjacent subdivisions that overall density of the project will not be that great. Council indicated support for the density of the project.

Council agreed they had no objection to the project as long as the developer follows recommendations numbered 1, 2 and 4 in John Hess’s memo dated November 30, 2005. Council also directed Hess to communicate the council’s comments to the Gunnison County Board of Commissioners (BOCC).

Bell:

- Noted that a proposal by the State Patrol to limit the size of bicycle events in Colorado has been withdrawn for further study. Council briefly discussed the topic and suggested sending a letter opposing a limitation. Bell said he would report back to council with information about the appropriate entity to send comments to on the issue.

- Asked council if they wanted to send comments to the U.S. Forest Service regarding Crested Butte Mountain Resort's (Existing) Mountain Plan. Council expressed concern about outdoor lighting in the area of the new tubing hill and the new restaurant/day lodge; and indicated they would like full cut-off lighting and protection of view corridors. Council also expressed concern about the plan being termed the Master Plan when it actually only includes the existing mountain and not Snodgrass Mountain and the North Village. Council directed staff to send letter to the U.S. Forest Service supporting the Mountain Plan for the existing mountain and noting concerns as discussed.
- Reported that staff is researching options for employee health coverage due to a higher than expected rate increase from Rocky Mountain Health Plans. The goal is to stay within budget and get high quality health coverage.

Rozman:

- Explained that she is doing a lot of research regarding health care coverage and noted she is considering switching to Colorado Employee Benefit Trust (CEBT). She noted all but one local physician accepts CEBT.
- Reviewed the sales tax report distributed to council.

Hess:

- Reported the Board of County Commissioners (BOCC) will discuss including planning sub-areas in the Land Use Plan (LUR) on Thursday December 8, 2005 and will discuss essential housing on December 6, 2005.
- Discussed the Proposed Whetstone Business Park, which was discussed earlier in work session. Council indicated they preferred the earlier plan for the project rather than the revised plan because the earlier plan included more commercial and less residential. Council said they liked the central sewer system in the revised plan. Council directed Hess to draft a letter to the BOCC on the Whetstone project and bring to the December 19 council meeting for consideration.

4. **PUBLIC HEARINGS**

A) Special Events Permit-Crested Butte Snowcross –Gunnison County Snow Trackers-February 4 and 5, 2006-Town Ranch

Event Organizer Phil Chamberland was present. Bell said the event does not require much public service but he's concerned because it is being held on the same date as the Alley Loop Nordic Race and the Winter Carnival.

Chamberland said he preferred a January date but had problems scheduling the event with the Rocky Mountain States Snowmobile Racing Organization.

Chamberland will contact the group and see if the date can be changed.

Consideration of the special events permit is postponed until the December 19, 2005 regular council meeting.

B) Ordinance No. 20, Series 2005-Amending the Town Code to Adopt by Reference the International Fire Code, 2003 Edition.

Bernholtz read the title of the ordinance and opened the public hearing. There were no public comments. Chlipala spoke in favor of the ordinance.

Rankin moved and Chlipala seconded to approve Ordinance No. 20. Roll call vote taken with all voting yes. **Motion passed unanimously.**

5. **OLD BUSINESS**

A) Ordinance No. 18, Series 2005- An Ordinance Amending the Town's Zoning and Land Use Ordinance Regarding the Definition of Detached Buildings. Bernholtz read the title of the ordinance. Bell explained the ordinance is undergoing review by the Board of Zoning and Architectural Review (BOZAR) and suggested the ordinance be tabled.

Levy moved and Chlipala seconded to table ordinance No. 20 until the January 18, 2005 council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

6. **NEW BUSINESS**

A) Ordinance No. 21, Series 2005-An Ordinance Authorizing the Acceptance of a Conservation Easement By the Town of Crested Butte From the Crested Butte Land Trust on Lot B of Trappers Crossing at Crested Butte. Bell requested the item be removed from the agenda.

Levy moved and Berkshire seconded to remove Ordinance No. 21 from the agenda. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Ordinance No. 22, Series 2005-An Ordinance Adopting Changes and Additions to the 2005 Budget and Appropriations Relative To The General Fund, General Capital Fund, Sales Tax Fund and Affordable Housing Fund.

Bernholtz read the title of the ordinance. Rozman noted that item #4 of the ordinance regarding the Affordable Housing Fund is increased to \$402,500 to reflect the council's decision to contribute \$2,000 to the Gunnison County Housing Authority for the Affordable Housing Symposium. Rozman noted the breakdown of budget items included in packet.

Levy moved and Coburn seconded to set Ordinance No. 22 for public hearing on December 19, 2005.

C) Discussion of Request by Mitch Evans for Rezoning of Block 19.

Building Official Bob Gillie noted his memo dated 11-30-05 regarding the request for rezoning. Gillie explained that the area should probably be rezoned to B-3 and he recommended the item be referred to the Board of Zoning and Architectural Review (BOZAR) for a recommendation. Council directed staff to refer the matter to BOZAR.

D) Approval of Bullion King Building Condominium Plat and Declaration.

Magner recommended approval with conditions as approved by the Town Attorney.

Coburn moved and Levy seconded to approve Bullion King Building Condominium Plat and Declaration subject to minor revisions to be approved by the Town Attorney. Roll call vote taken with all voting yes. **Motion passed unanimously.**

7. **LEGAL MATTERS TOWN ATTORNEY**

- Reported that oral arguments on the Mt. Emmons lawsuit will be heard on January 9, 2006 in the 10th Circuit Court of Appeals.
- Another sale of space at Red Lady Estates is anticipated in the near future.
- Issues regarding the water treatment plant at the Keystone Mine are proceeding. Magner is uncertain if the U.S. Forest Service comment period on renewal of the permit for the water treatment plant will be extended.
- Requested an executive session for the purpose of negotiations and for receiving legal advice on specific legal matters.

8. **OTHER BUSINESS TO COME BEFORE COUNCIL**

Bell reported that he is working with council retreat facilitator Myles Rademan. He will move forward with agenda planning and then email proposed agenda to council.

Coburn moved and Levy seconded to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402 (4) (b) and for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4) (b). Roll call vote taken with all present voting yes. Levy was temporarily absent and did not vote. **Motion passed unanimously.**

Council went into executive session at 8:40 p.m. and returned at 8:58 p.m. no action was taken.

9. **COUNCIL MEETING SCHEDULING**

No discussion.

Bernholtz adjourned the meeting at 8:58 p.m. by unanimous consent.

Alan Bernholtz, Mayor

Eileen Hughes, Town Clerk

